

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS

United States Courts  
Southern District of Texas  
FILED

JAN 17 2024 VM

LAREDO DIVISION

Nathan Ochsner, Clerk  
Laredo Division

TOMILEE RAMIREZ

§

§

Vs.

§

C.A. NO. 5:23-CV-140

§

MARISSA GARZA AND

§

JUDGE DIANA SALDANA

DESTINY A. GONZALEZ

§

**PLAINTIFF RESPONSE AND OPPOSITION TO DEFENDANT MARISSA GARZA'S MOTION  
TO  
DISMISS PURSUANT TO RULE 12(b)(6)**

TO THE HONORABLE MAGISTRATE JUDGE DIANA SONG QUIROGA:

COME NOW Tomilee Ramirez, Plaintiff in the above-entitled and numbered cause presents  
**RESPONSE AND OPPOSITION TO DEFENDANT MARISSA GARZA'S MOTION TO  
DISMISS PURSUANT TO RULE 12(b)(6)** this argues as follows to this Honorable Court:

1. For the record: Now comes affiant Tomilee Ramirez, **Sui Juris** one of the people The plaintiff, Tomilee Ramirez contends The initial suit arises from the facts that defendant Garza was called in and ordered by the Jim Hogg County Sheriff Erasmo Alacron to magistrate the plaintiff Tomilee Ramirez for release and instead of doing so she argued vigorously back and forth with the sherriff heard by multiple employees at the jim hogg county sheriff department then also relayed to Tomilee Ramirez by a jailer when questioned by the plaintiff if she was going home that there was a "huge

argument" between sheriff Erasmo Alacron and justice of the peace marissa garza over the fact that the sherrif called her in and ordered her to magistrate the plaintiff and she refused to do so with gross negligence to the law.

2. For the record: Tomilee Ramirez asserts that defendant Garza had no jurisdiction to issue a warrant without conducting an investigation, calling the plaintiff in to question about said allegations, and that if the plaintiff had been called in for question the plaintiff Ramirez would have stated demurrer If I had been informed that I could state **demurrer** instead of pleading, i Tomilee Ramirez would have stated and answered in the form of a demurrer that i **do not acquiesce** to **quasi jurisdiction** because that's an issue to be brought up in my pleadings and briefs to file with a court I would like the defendant Garza to address this at hand and prove she had jurisdiction to do so.

3. For the record: Defendant Destiny Gonzalez contacted defendant Garza to initiate a suit against Tomilee Ramirez in May of 2023.

4. For the record: as stated previously before Plaintiff Tomilee Ramirez initiated the suit against defendant Garza and Destiny Gonzalez after being informed by local officials they were not gonna take the original case "cause number 00055" to court, the purpose of the suit is to clear the name of Tomilee Ramirez of allegations made by Destiny Gonzalez and restitution from defendant Garza for unlawful imprisonment, conspiracy against rights 18 usc 241, being denied provisions in the constitution 18 usc 3571 such as liberty A deprivation of liberty essentially includes two things. First, a person is denied a freedom granted him, either in the Constitution or in some other law. Secondly, a person is deprived of his liberty when he or she loses freedom of action, where the loss is significant in nature.

A deprivation of liberty is when a person has their freedom limited in some way. It occurs when: 'The person is under continuous supervision and control and is not free to leave. Which would have not been the case had defendant Garza chosen to magistrate me instead of depriving me of rights. Freedom of speech, and Arbitrary or unlawful detention occurs when an individual is arrested and detained by a government without due process and without the legal protections of a fair trial.

## **5. Plaintiff contends the defendant Garza does not retain immunity**

**as stated in** U.S. v. Throckmorton, 98 US 61 WHEREAS, officials and even judges

have no immunity See, Owen vs. City of Independence, 100 S Ct. 1398; Maine vs.

Thiboutot, 100 S. Ct. 2502; and Hafer vs. Melo, 502 U.S. 21; officials and judges are

deemed to know the law and sworn to uphold the law; officials and judges cannot claim

to act in good faith in willful deprivation of law, they certainly cannot plead ignorance of

the law, even the Citizen cannot plead ignorance of the law, the courts have ruled there

is no such thing as ignorance of the law Cooper v. Aaron, 358 U.S. 1, 78 S.Ct. 1401

(1958). "No state legislature or executive or judicial officer can war against the

Constitution without violating his undertaking to support it.

## **SUFFICIENT FACTUAL ALLEGATIONS STATEMENT**

### **I. Introduction**

Now comes affiant Tomilee Ramirez, **Sui Juris** one of the people The plaintiff, Tomilee Ramirez, asserts the following factual allegations against the defendant, JP Marissa Garza, involving official misconduct, unlawful imprisonment, conspiracy against rights 18 usc 241, being denied provisions in the constitution 18 usc

3571.

### **II. Factual Allegations**

### **A. Misuse of Authority**

On the night of May 4, 2023, Destiny Gonzalez made a false 911 call, prompting JP Marissa Garza to issue an illegal warrant for Tomilee Ramirez based on allegations of harassment without notice or due process. This action infringes upon Tomilee Ramirez's constitutional rights under the 6th Amendment, denying her the right to a fair trial.

### **III. Legal Grounds**

#### **A. being denied provisions in the constitution 18 usc 3571, conspiracy against rights 18 usc 241**

JP Marissa Garza's actions infringe upon Tomilee Ramirez's constitutional rights, particularly the right to a fair trial, freedom of speech, and protection against unlawful arrests, the right to liberty.

#### **B. Discrimination**

The JP's discriminatory actions towards Tomilee Ramirez, based on mistaken identity and personal biases, violate legal principles and standards set forth in Sec. 87.013.

GENERAL GROUNDS FOR REMOVAL. (a) An officer may be removed for: (1) incompetency; (2) official misconduct; Sec. 87.014..

#### **C. Violation of Medical Rights**

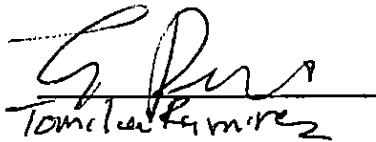
Tomilee Ramirez's has a medical condition in regards to metal rods holding her pelvis area together after being run over by a motor vehicle which worsened pertaining to the due to inadequate support in jail constitutes a violation of her right to humane treatment and medical care due to the defendant Garza choosing to leave and not magistrate the plaintiff after being directed to do so.

#### **IV. Relief Requested**

Tomilee Ramirez requests the following relief from the court:

Compensation for being denied provisions in the constitution 18 usc 3571, conspiracy against rights 18 usc 241, and unlawful imprisonment, and any other relief deemed just and equitable by the court.

DATED: January 12, 2024

A handwritten signature in black ink, appearing to read 'Tomilee Ramirez', is written over a horizontal line.

Tomilee Ramirez, Plaintiff

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